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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,638	09/16/2003	Peter L. Bakos	03023256	1908
7590	09/21/2004		EXAMINER	
Douglas M. Eveleigh Mayer, Brown, Rowe & Maw LLP P.O. Box 2828 Chicago, IL 60690-2828			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/663,638	BAKOS ET AL.	
	Examiner	Art Unit	
	Lloyd A. Gall	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

Applicant's election with traverse of Group I, claims 1-14 in the reply filed on August 2, 2004 is acknowledged. The traversal is on the ground(s) that the search and examination of both groups can be made without serious burden. This is not found persuasive because the search and examination of both groups does indeed place a serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 15-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 2, 2004.

The disclosure is objected to because of the following informalities: On page 6, line 4, a period should follow the end of the line.

Appropriate correction is required.

Applicant should also note that the drawings appear to be informal in nature, and formal drawings will be required before the application is allowed.

Claim 8 is objected to because of the following informalities: Claim 8 requires a period at the end of the claim. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-9, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Chupak (408).

It is first noted that throughout the claims, the claiming of a “battery bolt” is not positively claiming a battery, or even a battery environment. Further, “substantially sealing during a molding operation” is not positively claiming a molding operation. The intended use with a battery, and in a molding operation is of no patentable significance. Chupak teaches a bolt capable of use with a battery, and capable of use in a molding environment, including a bolt first head portion 60, an integral washer 128 a tapered portion directly above the flange 66 as seen in fig. 2 which is capable of acting as a seal, a threaded portion 62 and a non-threaded portion 63 and the portion below portion 63. With respect to claim 12, figure 2 shows the head height to washer thickness to be approximately 3.0.

Claims 1, 7-9, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bondarowicz et al.

Bondarowicz teaches a bolt capable of use with a battery, and capable of use in a molding operation, including a head portion 40, an integral washer portion directly therebelow, a non-threaded portion 13, a threaded portion 14, and a tapered (column 4, line 5) portion 52 which cooperates with a recessed seat portion 36 and is capable of acting as a seal. The head height to washer thickness is shown as being within a 1.0 to 3.0 range.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarowicz et al in view of Whitney. Whitney teaches an integral washer 11 as seen in figure 1 which includes projection 12, and also wherein the washer is regarded as having semi-circular projections below the head flats 15 as seen in figure 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the washer of Bondarowicz to include semi-circular projections, in view of the teaching of Whitney, since numerous well known washer shapes would function just as well.

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarowicz et al.

To form the head height to washer thickness of Bondarowicz et al to be 1.24 would have been obvious to one of ordinary skill in the art, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
September 18, 2004

Lloyd A. Gall
Lloyd A. Gall
Primary Examiner